

REMARKS

Claims 1-7, 12-18, and 38-41 are pending. Claims 15-18 and 41 stand rejected under 35 USC § 101 and claims 1-7, 12-18, and 38-41 stand rejected under 35 USC § 103. Applicant respectfully traverses the rejections in light of the amendments and the following remarks.

Applicant requests interview

Applicant respectfully requests an interview if it would expedite disposition of the application. The undersigned attorney would welcome and encourage a telephone conference with Examiner at (512) 243-5936.

Amendments to the claims

Support for amendments to claims can be found in, e.g., paragraphs 49 and 56.

Claim rejections under 35 USC § 101

Claims 15-18 and 41 stand rejected under 35 USC § 101 as being non-statutory subject matter. With respect to claims 15-18 and 41, Applicant respectfully submits that upon entry of the above amendments, these claims clearly describe statutory subject matter. Applicant traverses the rejections and requests the rejections be withdrawn.

Claim rejections under 35 USC § 103(a)

The Office action rejected claims 1-7, 12, 15-18, 38-39, and 41 under 35 USC § 103(a) as being unpatentable over Girard, U.S. Patent No. 7,093,124 (hereinafter referred to as “Girard”) in view of Dayan et al., U.S. Patent App. No. 2002/0188837 (hereinafter referred to as “Dayan”).

To establish a prima facie case of obviousness, the modification or combination must teach or suggest all of Applicants’ claim limitations.¹

¹ *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974).

The combination of Girard and Dayan fails to establish a *prima facie* case of obviousness for independent claims 1, 13, and 15 because the combination fails to teach or suggest all of Applicants' claim limitations. In particular, the combination fails to teach or suggest generating a wake-on-LAN packet with a partition identification that comprises an address of a bootable image within a local resource of a remote client.

As indicated in the Office action, Girard does not expressly describe a wake-on-LAN packet with a partition identification.² Thus, Girard fails to teach or suggest "generating of a wake-on-LAN packet with a partition identification ...comprising an address of a location of the bootable image... within a local resource of the remote client...."

Dayan teaches generation of a magic packet with one or more bits that indicate to either boot from the hidden partition or not to boot from hidden partition.³ Dayan indicates that the network interface card will set bits in a register to either boot from the hidden partition or not based upon the magic packet.⁴ Dayan also teaches inserting directive information from a magic packet into a register of the network interface card to boot from the designated partition.⁵ However, Dayan does not teach or suggest "generating a wake-on-LAN packet with a partition identification, the partition identification comprising an address of a location of the bootable image, to identify the location within a local resource of the remote client...." To establish a *prima facie* case of obviousness, the combination must teach or suggest all of Applicants' claim limitations.⁶ Thus, the combination of Girard and Dayan fails to establish a *prima facie* case of obviousness.

Applicant respectfully traverses the rejections with respect to claims 1, 13, and 15 and, thus, requests that the rejections be withdrawn and claims be allowed.

Claims dependent upon independent claims 1, 13, and 15, include the limitations of the claims upon which they rely. Thus, the combination of Girard and Dayan fails to

² Office action dated June 11, 2008, at pg 4.

³ See Dayan at par. 42.

⁴ See Dayan at par. 35.

⁵ See Dayan at par. 8.

⁶ *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974).

establish a prima facie case of obviousness for the claims dependent upon claims 1, 13, and 15. Applicant respectfully traverses the rejections with respect to the dependent claims and requests that the rejections be withdrawn and the claims be allowed.

CONCLUSION

Applicant respectfully traverses the claim rejections under 35 USC §§ 101 and 103. Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the Office action. In light of the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Thus, Applicant requests that the rejections be withdrawn, pending claims be allowed, and application advance toward issuance.

A request for an extension accompanies this action. No other fee is believed due with this paper. However, if any fee is determined to be required, the Office is authorized to charge Deposit Account 500563 for any such required fee.

Respectfully submitted,

October 23, 2008

/Jeffrey S Schubert/

Date

Jeffrey S Schubert, reg. no. 43098, cust. no.: 45670
Schubert Osterrieder & Nickelson PLLC
One Congress Pl, 111 Congress Ave, 4th fl, ste 403
Austin, Texas 78701
512.692.7297 (tel) 512.301.7301 (fax)
jeff.schubert@sonlaw.com, <http://www.sonlaw.com>
Attorney for Applicant(s)